

**Version with Markings to Show Changes Made**

1. (Amended) Apparatus for notifying a called-but-busy party of an incoming telephone call attempt over a telephone line while the called-but-busy party is accessing the Internet over the same telephone line, comprising:

an Internet communication module; and

a message formatter;

wherein said Internet communication module is adapted to cause said message formatter to send a notification message to said called-but-busy party upon request of an Internet interruption from a remote telephone user.

12. (Amended) A method for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

uniquely identifying an Internet user via a telephone call; and

notifying said [uniquely identified] Internet user that said calling party is [attempting to call] requesting an Internet interruption of said Internet user over said telephone line.

18. (Amended) A method for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

determining at a central office a likelihood that said Internet user is connected with said Internet; and

notifying an attempted calling party to said Internet user of said likelihood from said central office.

19. (Amended) Apparatus for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

means for uniquely identifying an Internet user via a telephone call;

and

means for notifying said uniquely identified user that said calling party is [attempting to call] requesting an Internet interruption of said Internet user over said telephone line.

25. (Amended) Apparatus for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

means for determining at a central office a likelihood that said Internet user is connected with said Internet; and

means for notifying an attempted calling party to said Internet user of said likelihood from said central office.

**REMARKS**

Claims 1, 12, 18, 19 and 25 are amended herein. Claims 1-25 remain pending in the application.

**Claims 1-25 over Norris**

In the Office Action, claims 1-25 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Norris et al. U.S. Patent No. 5,805,587 (“Norris”). The Applicants respectfully traverse the rejection.

Claims 1-11 recite, *inter alia*, an Internet communication module that is adapted to cause a message formatter to send a notification message to a called-but-busy party upon request of an Internet interruption from a remote telephone user. Claims 12-17 and 19-24 recite, *inter alia*, notifying an Internet user that a calling party is requesting an Internet interruption of the Internet user over a telephone line.

Norris appears to teach a method and apparatus of notifying an Internet user of a caller while the Internet user's telephone station is connected to the Internet (Abstract). If an Internet user is busy on the Internet, an alerting message is given to the Internet user that a call is waiting (Norris, col. 6, lines 28-33). The Internet user is given the options of connecting the caller to voice mail, terminating the call or connecting the call (Norris, col. 6, lines 34-36). Connecting the call allows realtime conversion of a caller's voice to digital form, transmission over the Internet and reconstruction of the voice of the caller at an Internet terminal (Norris, col. 7, lines 5-53).

Norris teaches that an Internet user is notified that a calling party desires to speak to the Internet user, and the Internet user responds by picking an option for the calling party. Norris fails to teach any type of request made to an Internet user, much less notifying an Internet user or a called-but-busy party of a request of an Internet interruption, as respectively claimed by claims 1-17 and 19-24.

A benefit of sending an Internet interruption request to an Internet user is, e.g., giving the Internet user the option to end an Internet connection and talk to a calling party. Although Norris teaches a calling party optionally

conversing with an Internet user, the communication is sent over the Internet. Since high speed Internet connections, such as DSL and Cable access, would not tie up a telephone line, the inventions would likely apply to dial-up Internet connections. Sending voice signals over a dial-up Internet connection produces low quality communications. Interrupting an Internet connection could allow a conventional connection between parties for a high quality conversation.

Claims 18 and 25 recite, *inter alia*, notifying an attempted calling party of a likelihood the Internet user is connected with an Internet from a central office.

Norris teaches a calling party interrupts an Internet user with notice of a desire to converse. The Internet user then selects the type of notice given to the calling party. Norris fails to teach notifying a calling party from a central office, as claimed by claims 18 and 25.

A benefit of having a central office give notice that an Internet user is connected to an Internet is, e.g., not interrupting an Internet user's Internet session. A calling party may decide not to pursue a conversation with an Internet user once the calling party determines the Internet user is online. Conversely, if a calling party is not notified a desired call party is online, the call party may decide to allow ringing to continue until reaching an answering machine.

Accordingly, for at least all the above reasons, claims 1-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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